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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/384,154	08/27/1999	DONALD SPECTOR	4021.122	7440

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Collard & Roe
1077 Northern Boulevard
Roslyn, NY 11576

EXAMINER

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 10/01/2004

23

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/384,154

Applicant(s)

SPECTOR, DONALD

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 July 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9,10,12 and 13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9,10,12 and 13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-8, 11 and 14-16 have been canceled. Claims 9, 10, 12 and 13 are presented for examination.
2. The petition which applicant filed to revive under 37 C.F.R. 1.137 (b) was granted on July 7, 2004.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 9, 10, 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baker (US 6,505,046 B1), in view of Herz et al. (US 6,571,279), hereinafter Herz.
5. As to claim 9, Baker discloses the invention as claimed, including a network for targeting an individual operating a microcomputer in order to offer to supply said individual with appropriate goods or services available at a place within reach of the individual's present location (col. 7, lines 16-19 and 44-51; col. 8, lines 38-42; col. 10, lines 1-9), said network comprising:

means associated with the microcomputer (425, fig. 4) to microwave-link (410, fig. 4; col. 4, lines 5-9 and 22-25) the microcomputer to an Internet highway (col. 6, lines 42-46);

a GPS receiver to indicate the individual's present location (col. 7, lines 32-38; col. 9, lines 26-29);

means to convey over the microwave link (col. 4, lines 5-9 and 22-25) from the microcomputer to a web site on the Internet highway, an identification of the individual and the individual's present location, thereby providing his full address (col. 7, lines 12-16; col. 8, lines 17-25; col. 9, lines 7-10);

means at the website storing profiles of a multitude of individuals who are consumers of the goods or services to determine from the profile of individual whose address has been forwarded to the web site, which good or services are appropriate to said individual and are available at a place reachable from his present address (col. 7, line 62 – col. 8, line 3); and

means to convey from the web site to the microcomputer an offer to supply said goods or services (col. 7, lines 44-51; col. 8, lines 38-42; col. 9, lines 10-11).

6. Baker discloses subscriber profiles that filter the types of coupons or advertisements generated (i.e., subscriber profiles are used to determine the user's preference; the database includes specific categories pertinent to a particular subscriber such as sporting goods, jewelry, or clothing; col. 7, line 62 – col. 8, line 3). Baker does not specifically disclose offer being conveyed in response to determining which good or

services is appropriate for said individual. Herz discloses offer being conveyed in response to determining which good or services is appropriate for said individual (i.e., information delivery systems to optimize subscriber customized information delivery to identified subscriber; col. 4, lines 36-48; if the user profiles contain information about users' buying habits, then the billboard operator can run a voting algorithm on the collected user profiles to determine the characteristics of the present user audience to select a revised set of advertisements to be transmitted to the display; col. 4, lines 49-62; the integrity of user profiles and target profile interest summaries is important: if a seller relies on target profile interest summary information to deliver promotional offers or other material to a particular class of users; col. 8, line 66 – col. 9, line 10; targeting advertising to an appropriate audience; col. 15, lines 55-65; targeted advertising is delivered to the appropriate users aggregate statistics regarding the user's behavior; col. 16, lines 22-33; This information (profiling information) is useful when the product or service that is offered by a vendor; col. 19, lines 24-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baker and Herz because Herz's offering conveyed in response to determining which good or services is appropriate for said individual would improve targeted marketing service of Baker's system by delivering promotional offers to a potential customer based on the collected information of user's buying habit and preferences.

7. As to claim 10, Baker discloses microwave-link is provided by a radio transceiver

(i.e., GSM; col. 4, lines 5-9 and 22-25).

8. As to claim 12, Baker discloses that when subscriber (425, fig. 4) calls, MSC/HLR (415, fig. 4) passes the origination notification to the WSN (420, fig. 4) that contains the identity of the subscriber (col. 7, lines 12-20) so that the service can be returned to the correct subscriber. However, Baker discloses e-mail address identifies the individual. Herz discloses users are in view of a non-rotating panel electronic message board (col. 13, lines 14-17). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Baker and Herz because Herz's electronic message board would allow the advertising company to electronically transmit the appropriate information to the intended customer.

9. As to claim 13, Baker discloses the profiles are stored in a data bank (col. 7, line 62 – col. 8, line 3).

10. Applicant's arguments with respect to claims 9 and 10-13 have been considered but are moot in view of the new ground(s) of rejection.

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 8:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (703)308-9052. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

Jungwon Chang
September 23, 2004

 JOHN FOLLANSBEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100